



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/173,853 10/16/98 KNIGHT

T 98-002

EXAMINER

LM02/1214

J NICHOLAS GROSS
10950 N BLANEY AVENUE
SUITE B
CUPERTINO CA 95014

JOSEPH, T

ART UNIT

PAPER NUMBER

2773

DATE MAILED:

12/14/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Office Action Summary

Application No.
09/173,853

Applicant(s)

Knight

Examiner
Thomas Joseph

Group Art Unit
2773



☒ Responsive to communication(s) filed on Oct 15, 1998

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-120 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-120 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Oct 15, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. Claims 1-120 are pending in this application. Claims 1, 24, 42, 53, 75, 91, 99, 106, and 111 are independent claims.
2. The present title of the inventions is "Graphical Data Collection Interface."

Specification

3. This application contains an appendix consisting of a computer program listing of more than ten (10) pages. In accordance with 37 CFR 1.96(c), a computer program listing contained on more than ten (10) pages, must be submitted as a "microfiche appendix" conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(a)(6)). Accordingly, applicant is required to cancel the computer program listing appearing in the current appendix to the specification, file a "microfiche appendix" in compliance with 37 CFR 1.96(c), and insert an appropriate reference to the newly added "microfiche appendix" at the beginning of the specification.

Election/Restriction

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-23 and 53-74 are drawn to parameter menu and parameter canvas, classified in class 345, subclass 352.

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- II. Claims 24-41 and 75-90 are drawn to a preference field, classified in class 345, subclass 339.
- III. Claims 42-52, 91-120 are drawn to data palette and data canvas, classified in class 345, subclass 334.

5. The inventions are distinct, each from the other because of the following reasons:
Inventions I-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each of the respective inventions has separate utility as in a system not having the others. See MPEP § 806.05(d).

Invention I is the parameter menu and parameter canvas component which can be implemented on any computerized electronic communication system. Invention II is the preference field on which the Applicant intends to implement the said software component for the most optimal performance. Invention II can theoretically operate without the menu and canvas taught by I while Invention I can also be operated without the preference field described in Invention II.

Invention III is a data palette and data canvas component which can be implemented on with any parameter menu coupled with parameter canvas. Invention I is the parameter menu coupled with parameter canvas on which the Applicant intends to implement the said data palette and data palette for the processing of user input. Invention III can theoretically operate without

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the menu and canvas taught by I while Invention I can also be operated without the data palette and data canvas described in Invention III.

6. Because these inventions are distinct for the reasons given above and the search required for each group is not required for another group, restriction for examination purposes as indicated is proper.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Joseph whose telephone number is (703) 305-2277. The examiner can normally be reached on Monday through Friday from 7:30 pm to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached on (703) 305-3821. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

tjj/12-9-99



JOHN E. BREENE
PRIMARY EXAMINER

Form PTO-1449
(REV. 7-92)U.S. DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAttorney's Docket Number:
Prophet 98-002Serial No.:
09/173,853**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

(Use several sheets if necessary)

Applicant(s): Timothy Orr Knight

Filing Date: 10/16/98

Group Art Unit : 2771

RECEIVED**U.S. PATENT DOCUMENTS**

JAN 29 1999

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	GROUP 2700 FILING DATE IF APPROPRIATE
22	5 7 6 1 6 5 6	6/2/98	Ben-Shachar	707	4	6/26/95
	5 6 6 8 9 6 6	9/16/97	Ono et al.	345	356	1/31/95
	5 6 2 7 9 7 9	5/6/97	Chang et al.	395	335	6/18/94
	5 2 5 7 1 8 5	10/26/93	Farley et al.	364	419.19	5/21/90
	4 8 6 6 6 3 4	9/12/89	Reboh et al.	364	513	8/10/87

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

28	Shneiderman, Ben "Designing the User Interface: Strategies for Effective Human-Computer Interaction". (Addison Wesley Longman, Inc., 1998), pp. 79-89; 186-213; 235-261; 325; 391-397; 522-541.

EXAMINER

John A. Jones

DATE CONSIDERED

12-8-99

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Notice of References Cited			Application No. 09/173,853	Applicant(s) Knight	
			Examiner Thomas Joseph	Group Art Unit 2773	Page 1 of 1
U.S. PATENT DOCUMENTS					
	DOCUMENT NO.	DATE	NAME		CLASS SUBCLASS
A	5,977,973	11-2-1999	Sobeski et al		345 346
B	5,999,177	12-7-1999	Martinez		345 342
C	5,923,327	7-13-1999	Smith et al.		345 341
D	5,870,090	2-9-1999	Takai		345 342
E	5,923,307	7-13-1999	Hogle et al.		345 342
F	5,982,302	11-9-1999	Ure		345 173
G	5,956,019	9-21-1999	Bang et al.		345 173
H					
I					
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FOREIGN PATENT DOCUMENTS					
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS SUBCLASS
N					
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NON-PATENT DOCUMENTS					
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)				DATE
U					
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